

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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BRENDA MCCLARY

Plaintiff,

-against-

**STIPULATION OF
SETTLEMENT OF
ATTORNEYS' FEES, COSTS
AND EXPENSES**

THE CITY OF NEW YORK, a municipal entity; Sergeant
SONIA CHRISTIAN (Shield #3066); MATTHEW
VORRARO (Shield #15194); MARK KIPYBIDA (Shield
#14549); Officer GREGORY MICHELS; RONALD
SCHMIDT; Lieutenant ANDREW HEPWORTH; and
Captain CRAIG ADELMAN, all individually and in their
capacities as agents and/or employees of the New York
City Police Department and the City of New York

12 CV 118 (CBA)(VVP)

Defendants.
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WHEREAS, plaintiff Brenda McClary commenced this action by filing a complaint on or about January 10, 2012, alleging that defendants violated plaintiff's federal civil and state common law rights; and

WHEREAS, defendants have denied any and all liability arising out of plaintiff's allegations; and

WHEREAS, defendants City of New York, Captain Craig Adelman, Lieutenant Andrew Hepworth, Sergeant Sonia Christian, Police Officer Matthew Vorraro, Police Officer Mark Kipybida, Police Officer Gregory Michels, and Police Officer Ronald Schmidt served plaintiff Brenda McClary with a Rule 68 Offer of Judgment on or about October 15, 2013; and

WHEREAS, on or about October 29, 2013, plaintiff Brenda McClary accepted defendants' Rule 68 Offer of Judgment in the amount of Forty Thousand and One Dollars (\$40,001.00); and

WHEREAS, plaintiff Brenda McClary has assigned her rights to attorneys' fees, costs and expenses to her attorneys, Beldock, Levine & Hoffman, LLP; and

WHEREAS, the parties now desire to resolve the issue of attorneys' fees, costs and expenses, without further proceedings;

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned, the attorneys of record for the respective parties to the above-captioned action, as follows:

1. Defendant City of New York shall pay to plaintiff's counsel, Beldock, Levine & Hoffman, LLP, the sum total of One Hundred Eighty Thousand Dollars (\$180,000.00) in full satisfaction of plaintiff's attorneys' fees, expenses, and costs. Counsel for plaintiff hereby agrees and represents that no other claims for attorneys' fees, costs, or expenses arising out of this action shall be made by or on behalf of plaintiff Brenda McClary in any application for attorneys' fees, costs, or expenses at any time.

2. In consideration of the payment of One Hundred Eighty Thousand Dollars (\$180,000.00) by the City of New York, counsel for plaintiff does hereby release and discharge defendants City of New York, Sergeant Sonia Christian, Captain Craig Adelman, Lieutenant Andrew Hepworth, and Police Officers Matthew Vorraro, Mark Kipybida, Gregory Michels and Ronald Schmidt; and to release the defendants and any present or former employees and agents of the City of New York or any entity represented by the Office of the Corporation Counsel, from any and all claims of attorneys' fees, expenses and costs arising out of or connected with the aforementioned action.

3. Nothing contained herein shall be construed to be an admission of liability by any defendants or the City of New York, nor an admission that any of the allegations made by plaintiff are true or that defendants in any way violated any rights guaranteed to plaintiff by any

constitutions, statutes, ordinances, rules or regulations of the United States, the State of New York, the City of New York, or any other rules, regulations or bylaws of any department or subdivision of the City of New York. This Stipulation and settlement is not related to any other litigation or settlement negotiations.

4. This Stipulation and Order contains all the terms and conditions agreed upon by the counsel for defendant and counsel for plaintiff hereto, and no oral agreement entered into prior to the execution of this Stipulation and Order regarding the subject matter of Attorneys' fees, costs, or expenses shall be deemed to exist or to vary the terms and conditions contained herein.

Dated: New York, New York
February 21, 2014

BELDOCK, LEVINE & HOFFMAN, LLP
Attorneys for Plaintiff
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ZACHARY W. CARTER
Corporation Counsel of the City of New York
*Attorney for Defendants City of New York,
Sergeant Sonia Christian, Captain Craig
Adelman, Lieutenant Andrew Hepworth, and
Police Officers Matthew Vorraro, Mark
Kipybida, Gregory Michels, and Ronald
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By: 
Joshua Moskowitz, Esq.

By: 
Lisa M. Richardson
Assistant Corporation Counsel

SO ORDERED:

HONORABLE CAROL BAGLEY AMON
UNITED STATES DISTRICT JUDGE